

**REMARKS**

Claims 19, 20, 22-32, 34 and 35 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following.

***I. INTERVIEW***

Applicants again would like to thank Examiners Khan and Rao for the courtesies extended to Kerry S. Culpepper, Esq. (Reg. No. 45,672) during the interview of January 5, 2010. The following remarks can be considered the Substance of the Interview.

During the interview, the parties agreed that regarding the outstanding rejection of claims 19, 25 and 30 under 35 USC §103(a), one skilled in the art would have no reason to replace the dummy packets in Maruyama with an error packet because Maruyama describes the dummy packets as being used for recording edit data (see col. 12, lines 63). If the dummy packet was replaced with an error packet as asserted in the Office Action, Maruyama would fail to achieve its intended purpose of providing a location to store post-recorded data such as background music (see col. 15, lines 13-23). Accordingly, the rejection of claims 19-20, 23-26 and 28-32 under 35 USC §103(a) should be withdrawn.

The Examiner indicated that the current scope of the claims overcomes the rejection of record, and that a further search of the relevant art would be conducted. If no pertinent art is found, the Examiner indicated that the application would be prepared as an allowance.

***II. CONCLUSION***

Accordingly, pending the outcome of the updated search all claims 19, 20, 22-32, 34 and 35 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/  
Mark D. Saralino  
Reg. No. 34,243

DATE: January 11, 2010

The Keith Building  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113

okudp137amendmentnonfinal011110